

## **CHAPTER 504**

### **DEFENSE COURIER SERVICE (DCS)**

#### **A. GENERAL**

This chapter sets forth responsibilities and procedures for the entry/exit of national security material arriving/departing the US in the control of DCS couriers.

#### **B. POLICY**

The contents of DCS shipments are exempt from examination, entry, and duty upon presentation of appropriate shipping documentation and courier identification by the DCS courier(s) having custody of the shipment.

#### **C. AUTHORITIES/REFERENCES**

19 U.S.C. § 1498, Entry Under Regulations, 19 U.S.C. § 1624, General Regulations, DOD Directive 5200.33, Defense Courier Service (DCS), and DOD Regulation 5200.33-R, Defense Courier Service Regulation.

#### **D. GENERAL ADVISORIES**

1. The importation into the CTUS by a DCS courier of any property not owned or sponsored by the US Government is strictly prohibited. Appropriate action will be taken when any member or employee of the US Government violates this prohibition. Each such violation will be referred to the cognizant official for consideration under applicable Federal criminal statutes, including the Uniform Code of Military Justice.

2. While the USCS will monitor selected DCS mission activities, it recognizes the sensitive nature of DCS operations and will not unnecessarily impede DCS shipments.

3. Compromise of material entrusted to the custody of the DCS could gravely effect the security of the US. The primary DCS security objective is to prevent unauthorized access to material while it is within the DCS system.

#### **E. SCOPE OF OPERATIONS**

1. The DCS provides secure, worldwide movement of national security material requiring courier escort in support of the DOD, the Department of State, Federal Agencies, North Atlantic Treaty Organization, US Allies, and US government contractors. DCS operations are governed by DOD Directive 5200.33 and DOD 5200.33-R, which also provide guidance to users on material qualified for/prohibited from entry in DCS.

2. DCS operates a network of courier stations providing service to areas where Status of Forces Agreements (SOFAs) or similar agreements ensure that such material will be admitted free of duty and without examination by border clearance officials. The DCS and the Diplomatic

Courier Service (Department of State) maintain close liaison and interoperability to minimize duplication of service and provide delivery of DCS courier material into those areas where DCS cannot provide service.

## **F. RESPONSIBILITIES**

### **1. USCS (on behalf of the Treasury Department).**

a. The Assistant Commissioner, Office of Field Operations, will have policy oversight, to include the formulation and implementation of guidelines for the entry and examination of DCS courier material arriving in the US.

b. Principal Field Officers (PFO), to include Port Directors, are responsible to develop and establish procedures to process DCS shipments and material in an effective, expeditious, and discrete manner.

c. Supervisors and inspectors involved in the processing of DCS material will ensure the integrity of the US Customs entry requirements while simultaneously working in harmony with DCS couriers to maintain requisite security of their material.

2. DOD. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence will provide overall guidance for policies and procedures necessary to the operation of the DCS and security of material being escorted.

### **3. DCS.**

a. DCS will prepare appropriate documentation for its shipments entering the US to facilitate clearance by US Customs inspectors.

b. DCS couriers will cooperate with US Customs officials in actions required to clear shipments for entry into the US, but will not permit examination of their material during the process.

## **G. PROVISIONS**

1. DCS material consists of highly classified/extremely sensitive correspondence, documents, equipment, and other material owned or controlled by the DOD which has been entered into the DTS for movement to a designated recipient.

2. DCS shipments are transported via various conveyances including, but not limited to, MILAIR, US-flag commercial airlift, government-chartered aircraft, and military/commercial vehicles. DCS couriers routinely transit military air bases, and international/landing rights airports, in nations with which the US has a SOFA or similar agreement.

3. DCS material is consolidated for shipment. A DCS shipment may be in any of several forms, to include commercial aircraft containers, military aircraft pallets, wooden crates or skids, cardboard boxes, canvas pouches, fiberglass shipping chests, as well as US State Department

Diplomatic pouches or crates. For purposes of this regulation, articles in DCS custody/control and transported by the DCS system will be referred to as DCS material.

a. Small amounts of DCS material may be hand-carried; larger quantities will be transported as accompanied baggage or cargo and loaded into the aircraft cargo compartment.

b. Handling of DCS material is not part of the CBCP; therefore, CBCA/MCI-E are not included in the handling of this material for Customs purposes.

4. DCS dedicated (assigned) couriers may be identified by their DCS Form 9, DCS Courier Identification Card held within a wallet. Escorting couriers who have been “designated” off the crew or passenger manifest to escort the shipment can be identified by their US Government (military or civilian) identification card and designation letter issued by the dispatching DCS station commander.

5. Documentation for DCS shipments consists of a DCS Form 32, DCS Transfer Form, a multi-purpose form used as both a containment invoice and a transfer document, upon which has been stamped the DCS Customs Seal, and which contains a listing of the shipment identification number. The shipment documentation package will also include a diskette indicating the various containments/articles included within the shipment.

a. Used as a transfer (between DCS stations), DCS Form 32 reflects the originating DCS station, the type of containment, its identifying number (e.g. BA-L-000032), and the total containment weight. The identification number can be cross-referenced to the corresponding DCS Form 6, Address Label or DCS Form 8, Pouch Tag, on the containment, which also reflects the originating DCS station, weight, destination, and any special handling instructions.

b. As an invoice (for a containment), DCS Form 32 reflects the individual article numbers, addressees, special handling instructions, and weight of each package inside that containment.

## **H. PROCEDURES**

1. When customers enter material into the DCS system, they certify that the material is qualified for shipment by the DCS. A copy of this entry form, DCS Form 1, Receipt To Sender, is retained by the servicing DCS station and customer. Qualified DCS material is described in DOD 5200.33 and is considered as American goods returned under HTSA 9801.00.10. DCS does not transport contraband, hazardous materials (HAZMAT), explosives, currency, or other/similar items which require special coordination/exemption or are in violation of International Air Transport Association /Federal Aviation Administration convention.

2. Upon arrival in the US, DCS couriers escorting material will present their credentials and shipment documentation to the Customs officer. The couriers will also provide their personal Customs Declaration form since they will not follow normal air traveler customs clearance procedures.

3. Personal identification. The name and signature of the escorting couriers must match those on the bottom of the DCS Form 32. Dedicated DCS couriers (primary duty as a DCS

courier) can be identified by DCS credentials (defined above). Personnel “designated” as couriers (primary duty outside DCS) for a mission are provided a designation letter by the dispatching station commander (or his/her representative) and can be identified by a laminated federal (military/civilian) identification card.

4. Customs officers will release DCS material when presented with the shipment documentation described above by the escorting couriers. This material is exempt from examination, entry, and duty. Such exemption does not extend to accompanying personal property of the couriers.

5. When a Customs inspector has reason to believe a DCS shipment may contain articles other than qualified DCS material, it may be detained or seized by Customs; however, it will remain in the control of the escorting couriers.

a. The couriers will initially present the Customs officer with all available shipment documentation in an attempt to satisfy his/her challenge. If this is not successful, the couriers will be allowed to contact the nearest DCS station by telephone to obtain instructions. The station commander will, in turn, contact HQ DCS, to initiate a clarification of the validity of the material or otherwise assist in resolving the matter.

b. Customs officers will not examine the DCS material or separate the escorting couriers from the material in their charge. Arrangements for handling and examining the material will be coordinated with HQ DCS, the originating (or receiving) agency, and an appropriately-cleared Customs official.

6. US Customs officials will implement the procedures outlined in this regulation to ensure the integrity of the Customs program while simultaneously working with DCS couriers to maintain requisite security of DCS material.

## **I. REPORTING PROCEDURES**

Reporting requirements are IAW established US Customs and DCS directives.

## **CHAPTER 505**

### **AGRICULTURAL CLEANING AND INSPECTION REQUIREMENTS**

#### **A. SCOPE**

1. This chapter prescribes procedures, assigns responsibilities, and defines requirements for the prevention of the introduction of agricultural pests into the US by the DOD. Destructive pests such as gypsy moths, brown tree snakes, several varieties of snails, and other species can hitchhike on military equipment and personal effects. Foreign soil attached to equipment can harbor pests and animal diseases. These pests can cause immense damage to America's natural resources, destroy crops, and disrupt the export of agricultural commodities.

2. Foreign agricultural restrictions are specified by country in appropriate chapters of this regulation, however the same general responsibilities of DOD activities for the prevention of agricultural pest movements apply to export shipments from the US to foreign countries as well as on imports to the US.

#### **B. POLICY**

It is the policy of the DOD that all organizations and personnel involved in the movement of DOD-sponsored cargo, personal property, and accompanied baggage will take those steps necessary to prevent the spread of agricultural pests from one location to another. This includes movement not only across national borders, but any movement that has the potential to introduce invasive species to a new area. It includes shipments from DOD installations and vendor locations by both military and commercial carriers.

#### **C. RESPONSIBILITIES**

1. Office of the Deputy Under Secretary of Defense (Environmental Security) (DUSD (ES)) is responsible for furnishing technical guidance and recommendations to the DOD on means of preventing the return of quarantine pests and organisms which may disrupt agriculture and the natural ecosystem.

2. USDA APHIS is responsible to provide guidance, informational materials, and to conduct training for DOD personnel. APHIS will provide personnel to assist in pre-clearances and to train DOD personnel for inspection, cleaning, and disinfecting of material and personnel. APHIS and the DOD will establish reimbursable agreements as required to accomplish this mission. APHIS is the final authority on the pest risk status of material.

3. Unit commanders are responsible for ensuring that the requirements specified in this chapter are met and that procedures are followed to prevent agricultural pests from entering the US when that unit is returning personnel and/or equipment to the US.

4. Port and transportation commanders will ensure that the requirements specified in this chapter are met and that procedures are followed. They will not allow the movement of cargo or cargo containers from their facilities unless they are apparently free of soil and pest infestation.

## **D. REQUIREMENTS**

1. All personnel involved in the movement of ships, aircraft, personnel, cargo (including ordnance), containers, packing material, POVs, personal property and Army/Air Force/Navy Post Office APO/FPO mail will assure the following requirements are satisfied prior to that movement:

a. **Baggage.** Baggage of all crew, passengers, or troops will be presented for inspection by USDA officers or designees. Commanders must ensure crew, passengers and troops are instructed not to carry prohibited plant and animal material. Foot and web gear of all personnel is also required to be soil and pest free.

b. **Cargo.** Cargo will not be loaded aboard any conveyance in a foreign country, for movement to the US, unless it is free of animal and plant contamination or pest infestations as required by the USDA.

c. **Packing Material.** All wood packing material, dunnage, pallets and crating, must be soil and bark free and apparently free of pest infestations.

d. **Stores.** Stores and in-flight meals are prohibited entry into the US and must be disposed or safeguarded IAW with USDA requirements upon entry.

e. **Garbage.** Garbage will be placed in tight, leak proof, covered containers and disposed of following port procedures authorized by, or under surveillance of the USDA representative. Disposal facilities to incinerate or sterilize must be available before military conveyances will be allowed landing or docking at a US base or port.

f. **Containers and Pallets.** Cargo containers/pallets will not be stored directly on bare ground unless provisions are made to clean the containers/pallets of soil and pests before movement.

2. Detailed cleaning and inspection procedures can be found in the Armed Forces Pest Management Board Technical Information Memorandum No. 31, Contingency Retrograde Washdowns: Cleaning and Inspection Procedures. This document is available on the following web site URL: <http://www.afpmb.org/pubs/tims/tim31.htm>.

## **E. REQUESTS FOR AGRICULTURE PRECLEARANCE**

1. USDA, in cooperation with the DOD, will pre-clear cargo and passengers returning to the CTUS. This pre-clearance program is available for redeployments from major exercises or contingencies. Pre-cleared exercises will require little or no APHIS inspection into the US. Pre-clearance will lessen the pest risk and expedite the movement of personnel and equipment into the US. If the supported command determines that pre-clearance of redeploying cargo and passengers will enhance mission effectiveness, the following request procedure must be followed:

a. The supported unit will submit requests for USDA pre-clearance processing to USDA HQ (see paragraph G for address and telephone number). Theater directives will prescribe

procedures for processing such requests within the responsible unified command (see paragraph E. 3. for United States European Command (USEUCOM) requirements).

b. Requests must include, as a minimum: (1) the date, time and place of overseas departure; (2) date/time of CTUS arrival; (3) the number and type of aircraft or ships; (4) the number of passengers and amount and type of cargo, to include vehicles and other unit equipment; (5) identification of all en route stops between the overseas departure point and the CTUS port of entry; and whether the border clearance integrity of the aircraft or ship will be maintained.

c. Requests should be electrically transmitted, to the appropriate theater command as part of the initial planning of the redeployment, but not later than 45 days prior to the execution. Theater commands will forward the approved request to APHIS HQ not less than 30 days prior to the first movement. Direct contact with APHIS HQ is authorized. USTRANSCOM/J4-LT will assist with coordination as needed.

d. Approval of pre-clearance requests under the provisions of this section does not negate any requirements for the carrier to ensure that entry is accomplished at an established CTUS port of entry. This port of entry may be a Regular or Special Foreign Clearance Base, an international commercial airport or seaport of entry, or any other airport or seaport where a FIS capability exists or can be arranged for on an exception basis.

e. If use of any CTUS port of entry other than those regularly staffed by FIS personnel is planned, the requesting organization or carrier operator is responsible for coordinating necessary requirements with APHIS HQ.

2. Reimbursement. Agreements must be in place to reimburse APHIS advisors conducting pre-clearance duties in conjunction with returning personnel and equipment from training exercises. The agreement will include provisions for overtime fees, car rental, transportation to/from site, per diem, and lodging entitlements.

3. USEUCOM Procedures. USEUCOM, with the cooperation of in-theater USDA representatives has established a pre-clearance program to enforce USDA requirements and have made agricultural pre-clearances mandatory. If exercise redeployments are originating in the USEUCOM AOR, the supporting unit should contact the EUCOM Customs Executive Agent (HQ USAREUR/ECJ1-CEA) directly to coordinate for pre-clearance assistance. Their web site URL is: <http://www.hqusareur.army.mil/opm/customs.htm>.

## **F. PRE-CLEARANCE PROCEDURES**

Ships, aircraft, personnel, cargo ( including ordinance ) packing material, POVs, personal effects, and APO/FPO mail must be free of prohibited and restricted plants, animals, and plant and animal products when returned to the US.

1. Inspectors: USDA inspectors, or trained and certified CBCA or MCI-E inspectors will conduct these inspections.

2. Training: USDA will conduct training for DOD personnel. The DOD will be responsible for providing reimbursement for training in OCONUS sites. The USDA will fund routine training of MCI-E or other designees in the US.

3. Facilities: Inspections must be conducted in natural or well lighted areas. Cleaning and disinfecting must be conducted in areas approved by USDA or designees. Commodities or equipment that have been approved for return to US must be stored in such a manner as to prevent re-infestation by pests or contaminants. These areas must be approved by USDA officers or designees.

4. Reporting: Numbers of inspection, cleaning and disinfecting should be reported, through the chain of command, to DUSD (ES) and APHIS. APHIS and DUSD (ES) must be informed of interceptions of significant pests. APHIS will assist in the identification of pests.

5. During exercises, unit moves, deployments, redeployments, or other special airlift/sealift operations, CBCAs, in conjunction with USCS/USDA personnel, will inspect all crews, troops, passengers, and their accompanied baggage, professional equipment, issued weapons, cargo and aircraft prior to departure from overseas bases (airfields/ports) when the planned destination is the CTUS. To expedite clearance upon redeployment to the CTUS:

a. Accompanied baggage and professional equipment excess to immediate personal needs will be inspected in the presence of the member by an CBCA/APHIS team one or two days prior to unit redeployment. The baggage will then be secured and held in a sterile area from the time of the inspection until arrival at the US port of entry.

b. The CBCA/APHIS team will inspect hand-carried baggage at the time passengers are processed into a sterile area for isolation until actual departure. If a sterile area is not available, the CBCA/APHIS team will inspect the personnel and hand-carried baggage at the ocean or air terminal immediately prior to embarkation. If someone who has been inspected and is waiting in the sterile area finds it necessary to depart the area, that person must undergo a new inspection when they return to the sterile area.

c. The CBCA/APHIS team will inspect unit equipment prior to its being loaded on the ship or aircraft to insure the equipment meets USCS and USDA border clearance requirements. The redeploying unit will ensure that personal property, such as a footlocker, is readily identified and retains its individual integrity distinct from military cargo during shipment.

6. Some exercises may be pre-cleared for APHIS and not for US Customs. In these circumstances, US Customs clearance may be required upon arrival in the US. Personnel and equipment should not require additional APHIS inspection. APHIS always retains the right to do integrity checks in the US.

7. Any after action reports should include input from APHIS.

## **G. REQUEST FOR MCI-E PROGRAMS FOR AGRICULTURAL INSPECTIONS**

APHIS allows for MCI-E programs at selected bases in the US. These bases are usually remote from local APHIS offices or receive low risk conveyances or shipments. In these



programs, APHIS trains and certifies local DOD personnel to do inspections for APHIS. If a base commander is interested in establishing a program, the local APHIS should be contacted at USDA APHIS PPQ, Port Operations, 4700 River Rd., Riverdale, Md. 20737. Telephone number: 301 734-8295. APHIS HQ can supply contact telephone numbers.

#### **H. ARMED FORCES PEST MANAGEMENT BOARD**

75. The Armed Forces Pest Management Board (AFPMB) was established by DOD Directive 4715.1, Environmental Security, and operates under DOD Instruction 4150.7, DOD Pest Management Program. The AFPMB recommends policy, provides guidance, and coordinates the exchange of information on all matters related to pest management throughout the DOD. This board has representation of each of the military departments and the DLA. As such, this permanently staffed organization is an important source of assistance related to the prevention of movement of invasive species, especially incidents involving quarantine, fumigation, dis-insectization, etc. Their web site is located at the following URL: <http://www.acq.osd.mil/afpmb/>. In the event that quarantine becomes necessary, additional guidance is provided in Air Force Instruction 48-104/Army Regulation 40-12/Secretary of the Navy Instruction 6210.2A/, Quarantine Regulations of the Armed Forces.

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## **CHAPTER 506**

### **UNITED STATES CUSTOMS SERVICE PRE-CLEARANCE PROGRAM**

#### **A. POLICY**

1. The MCI program from OCONUS shore-based locations has been cancelled and is no longer recognized by the USCS. However, the USCS will support pre-clearance for major unit redeployments in conjunction with FTX or contingencies. This chapter outlines the policy and procedures to conduct those pre-clearance operations.

2. To effectively and efficiently conduct redeployment operations for exercises, contingencies, or other special airlift/sealift operations, theater CINCs may request USCS pre-clearance for redeployments of units, their equipment and sustaining supplies. Timelines for pre-clearance of redeployments should be established during the planning phase of the exercise or concurrently with the deployment phase during crisis action planning for a contingency. The theater CINC and the component commands involved in the redeployment must ensure that there are adequate facilities available for pre-clearance operations and work with the Services to identify military law enforcement personnel to be trained as CBCAs. Costs incurred by implementing provisions of this section (e.g., transportation, per diem, overtime charges) will normally be borne or furnished in kind by the requesting Service or Agency. If the supported command determines that pre-clearance of redeploying cargo and passengers will enhance mission effectiveness, the following request procedure must be followed.

#### **B. PROCEDURES FOR REQUESTING PRE-CLEARANCE**

1. The supported unit will submit requests for pre-clearance processing to the office of the appropriate theater command's Customs and Border Clearance Staff Coordinator. Theater directives will prescribe procedures for processing such requests within the responsible unified command.

2. Requests must include, as a minimum:

- a. The dates, times and places of departure from foreign country.
- b. Date, time and proposed place of CTUS arrival.
- c. The number and type of aircraft or ships.
- d. The number of passengers, and amount and type of cargo, to include vehicles and other unit equipment.
- e. Identification of all en route stops between the foreign departure point and the CTUS port of entry, and whether the border clearance integrity of the aircraft or ship will be maintained during those stops. If pre-clearance integrity cannot be maintained, pre-clearance authority is lost.

3. Requests should be electronically transmitted, to the appropriate theater command as part of the initial planning of the redeployment, but not later than 75 days prior to the execution. The theater Customs and Border Clearance Staff Coordinator will forward the approved request to USTRANSCOM/J4-LT, Scott AFB, IL not less than 60 days prior to the first movement. USTRANSCOM/J4-LT will coordinate with the USCS for support.

4. The responsible unified command Customs and Border Clearance Coordinator will review the requests. The review will include an assessment of the capability of the theater command to accommodate the request for pre-clearance. In those instances where the unified command determines exercise pre-clearance can not be accommodated or is not cost effective, the exercise unit will be required to return to the CTUS through a predetermined CTUS port of entry where US border clearance can be accomplished.

5. Approval of pre-clearance requests under the provisions of this section does not negate any requirements for the carrier to ensure that entry is accomplished at an established CTUS port of entry. This port of entry may be a Regular or Special Foreign Clearance Base, an international commercial airport or seaport of entry, or any other airport or seaport where a FIS capability exists or can be arranged for on an exception basis. (Refer to DOD 4500.54-G, DOD Foreign Clearance Guide, North and South America, for United States of America aircraft entry requirements (<http://www.fcg.pentagon.mil>).)

6. If use of any CTUS port of entry other than those regularly staffed by FIS personnel is planned, the requesting organization or carrier operator is responsible for coordinating necessary requirements with the appropriate Customs Management Center or Port Directors office of the USCS and other US border clearance agencies.

### **C. TRAINING AND CERTIFICATION OF CBCAS**

1. The theater CINC and the Service component will coordinate the request to the appropriate Service for sourcing of military law enforcement personnel to act as CBCAs for the duration of the redeployment. Personnel should be E-4 and above.

2. Training will be provided and approved by USCS.

3. Training may be accomplished in the CONUS or at an overseas location, if necessary.

4. Upon successful completion of the training, USCS will provide certification for trainees.

5. Trained personnel will be appointed on orders as CBCAs by the sponsoring Service component command. Orders should include an effective termination date.

6. USCS will provide advisors to oversee actual pre-clearance operations.

### **D. RESPONSIBILITIES OF CBCAS**

1. CBCAs are responsible for:

- a. Performing their duties IAW this regulation and US and/or foreign country border clearance requirements.
- b. Inspecting and certifying that DOD-owned materiel, personal property, and passengers are acceptable for entry into the US. If contraband is discovered during the inspection process, the CBCA is to notify proper legal authority.
- c. Representing the commander in performance of inspections, and ensuring that the documentation for which they are responsible accompanies all shipments or personnel.
- d. Ensuring that customs/border clearance violations are expeditiously reported to the appropriate legal authority or military agency for disposition.
- e. Conducting all inspections and examinations in a professional, expeditious, and courteous manner.
- f. CBCAs will not, under any circumstances, collect or accept duty payments.

#### **E. PRE-CLEARANCE REQUIREMENTS**

1. CBCAs, in conjunction with USCS/USDA personnel, will inspect all crews, troops, passengers, and their accompanied baggage, professional equipment, issued weapons, cargo and aircraft prior to departure from overseas bases (airfields/ports) when the planned destination is the CTUS. To expedite clearance upon redeployment to the CTUS:

- a. Accompanied baggage and professional equipment excess to immediate personal needs will be inspected in the presence of the member by a CBCA /USCS team one or two days prior to unit redeployment. The baggage will then be secured and held in a sterile area from the time of the inspection until arrival at the US port of entry.
- b. The CBCA/USCS team will inspect hand-carried baggage at the time passengers are processed into a sterile area for isolation until actual departure. If a sterile area is not available, the CBCA/USCS team will inspect the personnel and hand-carried baggage at the ocean or air terminal immediately prior to embarkation. If someone who has been inspected and is waiting in the sterile area finds it necessary to depart the area, that person must undergo a new inspection when they return to the sterile area.
- c. The CBCA/USCS team will inspect unit equipment prior to its being loaded on the ship or aircraft to insure the equipment meets USCS and USDA border clearance requirements. The redeploying unit will ensure that personal property, such as footlockers, is readily identified and retains its individual integrity distinct from military cargo during shipment.
- d. Personal customs declarations will be completed while en-route.

#### **F. PRE-CLEARANCE COORDINATION AND COMMUNICATION**

1. Coordination with, and notification of affected organizations of actual pre-cleared passengers, baggage and cargo shipments is critical to the successful implementation of the pre-

clearance program for exercises, contingencies, or other special airlift/sealift operations. At a minimum, the following communications must occur after pre-clearance operations have been approved.

a. Upon approval and agreement of the USCS to support pre-clearance operations, the theater command customs and border clearance coordinator will notify affected organizations using the message format shown in Figure 506-1.

b. Airlift and sealift schedulers will keep the USCS notified of redeployment routing and schedules as soon as they are developed. USCS will notify regional and local port directors so that pre-cleared passengers, baggage, and cargo are not unnecessarily re-inspected.

#### **G. AIRBORNE TROOPS**

Procedures described above are applicable to airborne troop movements with an airdrop upon return to the CTUS so long as the airdrops have been coordinated with USCS director in the district involved. The annotated customs declaration of these personnel must be provided to a member of the aircrew, preferably the aircraft commander, prior to the airdrop. The CBCA/USCS team will advise the aircrew member that the declarations must be turned over to USCS inspectors at the port of entry for the aircraft.

## SAMPLE

FROM: (Theater customs and border clearance coordinator)

TO: Theater aerial ports)  
(Theater water ports)  
(Theater component customs clearance offices and/or activities)

INFO: CDR MTMC ALEXANDRIA VA//MTOP//  
HQ AMC TACC SCOTT AFB IL//XOC/XOO//  
COMSC WASHINGTON DC//PM-5//  
USCINTRANS SCOTT AFB IL//MCC/TCJ4-LT//  
DA WASHINGTON DC//DALO-TSP//  
HQ USAF WASHINGTON DC//ILTT//  
CMC WASHINGTON DC//LFT/LPO//  
CNO WASHINGTON DC//N41//

SUBJ: US CUSTOMS PRECLEARANCE FOR (NAME OF EXERCISE OR OPERATION)

1. US CUSTOMS PRECLEARANCE OPERATIONS HAVE BEEN COORDINATED AND APPROVED FOR (NAME OF EXERCISE OR OPERATION) IAW DOD 4500.9-R, DEFENSE TRANSPORTATION REGULATION, PART V.
2. POLICY AND PROCEDURES OUTLINED IN DOD 4500.9-R, PART V, CHAPTER 506 APPLY.
3. USCS ADVISORS WILL BE DEPLOYED TO (LOCATION) FROM (DATE) TO (DATE) TO SUPERVISE PRE-CLEARANCE ACTIVITIES.
4. AERIAL AND WATER PORTS SHOULD SET UP STERILE AREAS TO STORE PRE-CLEARED BAGGAGE AND CARGO PRIOR TO REDEPLOYMENT.
5. REQUEST AIRLIFT AND SEALIFT SCHEDULERS NOTIFY USCS OF FLOW SCHEDULES AND ROUTINGS TO AVOID UNNECESSARY RE-INSPECTIONS IN CONUS.
6. ADDITIONAL INSTRUCTIONS:
7. POC IS (NAME, ORGANIZATION, TELEPHONE NUMBER, DSN & COMMERCIAL).

**Figure 506-1. Sample Customs Pre-clearance Announcement Message**

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## **CHAPTER 507**

### **MILITARY CUSTOMS INSPECTORS-EXCEPTED (MCI-E)**

#### **A. DESIGNATION**

MCI-Es will be given an appointment by the base commander and placed on orders and issued a CF 55, Designation, Customs Officer-Excepted, designating him or her as an MCI-E by the USCS. By agreement with appropriate military commands, the USCS will specifically train military and civilian personnel to act as MCI-Es at selected CTUS military bases. This document authorizes the individual to perform the duties of a US Custom Inspector in the CTUS. The CF 55 must be surrendered to USCS upon change of assignment or change of station.

#### **B. SCOPE**

A memorandum of understanding negotiated between the base commander and the local USCS Port Director usually establishes an MCI-E program. Base commanders should request USCS re-certify the base MCI-E program yearly. The scope of MCI-E duties will be designated on the form and may vary from base to base and location to location. Those persons so designated will be responsible for the enforcement of the regulations of the USCS and other border clearance agencies. This responsibility may require the examination of military aircraft, accompanied and UB, personnel, and certain cargo. Consideration should be given to limit the designation of MCI-E's to law enforcement personnel. USCS does not authorize MCI-Es to conduct personal searches or to collect duties, fines, or applicable federal taxes.

#### **C. RESPONSIBILITIES**

1. MCI-E's may inspect or examine baggage and professional equipment. Inspections will be accomplished in a courteous and professional manner. All passengers and crewmembers are subject to inspection. The degree to which accompanied baggage or equipment is inspected or examined is dependent upon the discretion and judgement of the MCI-Es. "Dumping" of baggage contents is against both DOD and USCS policy and is prohibited.

2. Report any interference in the performance of the assigned duties to the closest Customs Port Director and the appropriate military commander.

#### **D. TRAINING AND CERTIFICATION**

1. Training and certification of MCI-Es is accomplished under the auspices of the Director, Field Operations of the appropriate Customs Management Center (CMC). CONUS base commanders requiring the establishment of an MCI-E capability are authorized direct communication with the Director, Field Operations of the appropriate CMC to request the necessary training. For a listing of locations and phone numbers of CMCs, see the USCS web page (<http://www.customs.ustreas.gov>)

2. Training Assistance:

- a. Instruction, training material, and limited training aids are available from the USCS and the USDA APHIS. See Chapter 505 for additional information.
- b. Requests for USCS and USDA support will be forwarded to the local Port Director for US Customs and USDA.
- 3. Costs associated with training (e.g., transportation, per diem, overtime) will be borne by the requesting DOD organization.
- 4. Instruction will include but not be limited to the following subjects:
  - a. Customs, agriculture, and immigration orientation.
  - b. Preparation of border clearance forms.
  - c. Exemptions.
  - d. Art of inspection.
  - e. Drugs and drug enforcement.
  - f. Firearms and ammunition.
  - g. Restricted and prohibited articles.
  - h. Customs enforcement.
  - i. Inspection workshops (On-the-job training under supervision).
  - j. Smuggling methods of operation and concealment and detection techniques.
- 5. HQ USTRANSCOM J4-LT will be notified when an MCI-E capability has been established.

## **E. APPOINTMENT**

- 1. MCI-Es will be appointed by the base commander and certified on Customs Form CF-55 by the local Port Director of Customs.
- 2. Certification/appointments are command specific and automatically terminate when an MCI-E is transferred to a new command.
- 3. The base MCI-E Program should be re-certified annually. Re-certification and refresher training for individual MCI-E's should be conducted periodically as conditions change or the individual situation warrants, and may be accomplished at the same time as program re-certification.
- 4. USDA Regulations. MCI-Es or other appropriate military or civilian personnel may also be designated to enforce USDA regulations. When this designation is necessary, training will be

conducted by the USDA. Local contact points for the USDA can be obtained from the USDA, APHIS, PPQ. See Chapter 505 for USDA information.

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## **CHAPTER 508**

### **US EXPORT REQUIREMENTS**

#### **A. GENERAL**

This chapter outlines US Customs and Border Clearance requirements for DOD shipments exported from the CTUS. It covers DOD shipments from and to DOD activities and non-DOD activities (contractor or vendor) by both commercial and military carriers. It covers shipments of U.S. Munitions List (USML) items regulated by the Department of State, Office of Defense Trade Controls (ODTC) and non-USML items regulated by the Department of Commerce, Bureau of Export Administration (BXA). Export shipments of non-government owned material exiting the US must comply with federal export licensing/permit requirements.

#### **B. POLICY**

It is DOD policy to comply with US Export laws as they relate to DOD shipments, in the most efficient manner possible while maintaining the effectiveness of the military mission. US export requirements are generally outlined in 15 CFR Commerce and Foreign Trade and 22 CFR Foreign Relations. Applicable sections of these regulations are referenced in the following paragraphs.

#### **C. DOCUMENTATION AND MARKING**

To insure the efficient and timely clearance of DOD cargo through the USCS and Theater Customs/Border Clearance Agencies, and to preclude the assessment of duties and taxes when they are not warranted, it is imperative that all shipping documents, customs forms, and markings on packaging, are complete and free of abbreviations or acronyms.

#### **D. EXPORT LICENSES**

1. General Requirement. The USCS is responsible for ensuring that all goods entering and exiting the US do so IAW all applicable US laws and regulations. Although Customs enforces these export regulations for various other government agencies, specific questions pertaining to commodity licensing requirements should be directed to that agency.

2. The two principal statutes that govern US export controls are:

a. The Export Administration Act of 1979, as amended, which controls “dual-use” items and is administered by the Department of Commerce; and

b. The Arms Export Control Act (AECA), which controls munitions items and is administered by the Department of State. In addition, other statutes administered by other US Government agencies govern exports of certain other items.

3. The Department of Commerce, BXA. The BXA is the primary licensing agency for dual use exports (commercial items, which could have military applications). Agency information,

telephone numbers, and basic commodities, which may require export licenses, are available on the US Department of Commerce, BXA web site, <http://www.bxa.doc.gov>. Of those exports and re-exports subject to the Export Administration Regulation, a relatively small percentage requires the submission of a license application to the Department of Commerce. License requirements are dependent upon an item's technical characteristics, the destination, the end-use, and the end-user, and other activities of the end-user. For information on procedures for determining whether or not an export license is required and which agency has jurisdiction, refer to the BXA web page above. Most DOD shipments are exempt from export license requirements. Documentation requirements for claiming export license exemptions are described in the following paragraphs.

4. The Department of State, ODTC. The ODTC controls the permanent and temporary export and temporary import of defense articles and defense services by taking final action on license applications and other requests for approval for defense trade exports and re-transfers. The ODTC also handles matters related to defense trade compliance, enforcement and reporting. The AECA governs most aspects of defense trade and security assistance. The AECA establishes parameters for the export of defense articles and defense services and the corresponding regulations are included in the ITAR, (22 CFR, 120-130, International Traffic in Arms Regulations). For additional information on the ITAR and the USML, which details defense items requiring an export license, contact the ODTC, Bureau of Political-Military Affairs, Department of State (<http://www.state.gov>). Most DOD shipments of USML items are exempt from export license requirements, under the provisions of 22 CFR 126.4, Shipments by or for United States Government Agencies. Documentation requirements necessary to claim this exemption are included in the following paragraphs.

5. Other departments and agencies have regulatory jurisdiction over certain types of exports and re-exports. Some of these agencies, which license defense related material, include:

- a. Department of Treasury, Office of Foreign Assets Controls, which administers and enforces economic and trade sanctions.
- b. Nuclear Regulatory Commission, Office of International Programs, which licenses the exportation of nuclear material and equipment.
- c. Department of Energy, Office of Arms Control and Nonproliferation, Export Control Division, which licenses nuclear technology and technical data for nuclear power and special nuclear materials.
- d. Department of Energy, Office of Fuels Programs, which licenses natural gas and electric power.
- e. Defense Threat Reduction Agency (DTRA)-Technology Security. A DOD agency responsible for the development and implementation of policies on international transfers of defense related technology. DTRA also reviews certain dual use export license applications referred by Department of Commerce.

**E. EXPORT DOCUMENTATION REQUIREMENTS FOR SHIPMENTS CONSIGNED TO DOD ACTIVITIES**

1. Shipper's Export Declarations (SEDs) are used for compiling official US Export Statistics and for export control purposes. Requirements for the SED are detailed in 15 CFR, Part 30, Foreign Trade Statistics.

2. All international shipments originating in the US, which are on the USML must have the following documents:

a. For shipments exported on commercial carriers.

(1) A Government Bill of Lading.

(2) An SED showing the correct value of the item.

(3) A written statement by the exporter certifying that the requirements of 22 CFR 126.4 have been met.

b. For shipments exported on military carriers.

(1) An SED showing the correct value of the item.

(2) A written statement by the exporter certifying that 22 CFR 126.4 requirements have been met.

c. For shipments originating in the US that are not on the USML, the following guidance applies:

(1) A Commercial Bill of Lading may be used for these shipments.

(2) IAW 15 CFR 30.52 Special Exemptions for Shipments to the U.S. Armed Services, if the shipment is consigned to the U.S. armed services for their exclusive use, including shipments to Armed Services Exchange Systems, an SED is not required. However, the following statement must be cited on the shipping papers: "This shipment is exempt from a SED requirement based on 15 CFR 30.52".

3. For other shipments that do not fit these criteria, refer to 22 CFR for additional guidance.

4. DOD Military Assistance Program (MAP) Grant-Aid shipments being transported as DOD cargo. The DOD will furnish information on these shipments for inclusion in US export statistics directly to the Bureau of the Census. This exception from the filing of SEDs does not apply to MAP Grant-Aid shipments to which a foreign government has taken title before exportation or to any MAP Grant-Aid Program shipment moving in any manner other than as DOD cargo. (See 15 CFR 30.37 Exceptions from the Requirement for Reporting Complete Commodity Detail on the Shipper's Export Declaration for possible exceptions to the full reporting requirements of 15 CFR 30.7, Information Required on Shipper's Export Declarations for certain military sales shipments not exempt from the requirement for the SED.)

## **F. EXPORT DOCUMENTATION REQUIREMENTS FOR SHIPMENTS CONSIGNED TO NON-DOD ACTIVITIES**

Shipments that are not consigned to US Armed Services activities or are not DOD MAP Grant-Aid shipments under the provisions of paragraph E.4 are required to have the SED, and depending on the commodity, may require an export license, as well. If the commodity shipped is a temporary export by or to a DOD activity (i.e., a repairable), then exceptions may be possible for the requirement for reporting complete commodity detail. 15 CFR 30 and The Correct Way To Fill Out The Shipper's Export Declaration site (<http://www.census.gov/foreign-trade/www/correct.way.html>) provides step by step instructions on how to complete an SED and when an SED is required. However, special exceptions to the SED requirement, which may in some circumstances apply to shipments for the ultimate use of the US Armed Services, but not so consigned, are provided in 15 CFR 30.37.

## **G. SHIPMENTS OF CONTRACTOR-OWNED PROPERTY IN DIRECT SUPPORT OF THE DOD**

1. The Admission Temporaire-Temporary Admission (ATA) carnet is an international customs document that may be used to temporarily import certain goods into a country without having to engage in the customs formalities usually required for the importation of goods, and without having to pay duty or value-added taxes on the goods. The carnet can be a useful tool in clearing contractor-owned property through U.S. and foreign customs.

a. The US and other countries allow for the temporary importation of commercial samples, professional equipment, and certain advertising materials by a nonresident individual. Carnets are a security that participating countries accept as a guarantee against the payment of customs duties that may become due on goods temporarily imported under a carnet and not exported as required. The carnet allows the use of a single document for clearing certain categories of goods through Customs in several different countries. It may be used for unlimited exits from and entries into the U.S. and participating foreign countries during the one-year period of validity. They are accepted as the entry document and satisfy the importer's obligation to post a security in more than 75 countries.

b. The United States Council for International Business (USCIB) <http://www.uscib.org> has been designated by the USCS as the US issuing and guaranteeing organization. A fee is charged by the Council for its service. The guaranteeing organization is held liable for the payment of liquidated damages if the carnet holder, such as the importer, fails to comply with Customs regulations. The USCIB is located at 1212 Avenue of the Americas, New York, New York 10036-1689, (212) 354-4480, fax (212) 944-0012, and should be contacted for further details concerning the issuance of ATA carnets. The application form for the ATA carnet can also be downloaded from that website. Other questions may be referred to the USCS, 1300 Pennsylvania Avenue, NW, Washington, DC 20229. Attn: Office of Trade Programs, (202) 927-0300.



c. The following countries accept ATA carnets:

Algeria	Iceland	Portugal
Andorra	India	Puerto Rico
Australia	Ireland Isle of Man	Reunion Island
Austria	Israel	Romania
Balearic Isles	Italy	Russia
Belgium	Ivory Coast	St. Barthelemy
Botswana	Japan	St. Martin, French side
Bulgaria	Jersey	St. Pierre
Canada	Korea	Senegal
Canary Islands	Latvia	Singapore
Ceuta	Lebanon	Slovakia
China	Lesotho	Slovenia
Corsica	Liechtenstein	South Africa
Crete	Lithuania	Spain
Croatia	Luxembourg	Sri Lanka
Cyprus Czech Republic	Macao	Swaziland
Denmark	Macedonia	Sweden
Estonia	Malaysia	Switzerland
European Union	Malta	Tahiti
Finland	Martinique	Tasmania
France	Mauritius	Taiwan
French Guiana	Mayotte	Thailand
Germany	Melilla	Tunisia
Gibraltar	Miguelon	Turkey
Greece	Monaco	United Kingdom
Guadeloupe	Morocco	United States
Guernsey Islands	Namibia	Wallis & Futuna Islands
Hong Kong	Netherlands	
Hungary	New Caledonia	
	New Zealand	
	Norway	
	Poland	

## **H. POV EXPORT REQUIREMENTS**

1. Interpretation and application of 19 CFR 192, Export Control and 19 CFR 192.1 Definitions. The following are general definitions for the purposes of 19 CFR 192.2, Requirements for Exportation:

a. Certified. "Certified" when used with reference to copy means a document issued by an authorized authority that includes on it a signed statement by the authority that the copy is an authentic copy of the original.

b. Copy. “Copy” refers to a duplicate or photocopy of an original document. When there is any writing on the backside of an original document, a “complete copy” means that both sides of the document are copied.

c. Export. “Export” refers to the transportation of merchandise out of the US for the purpose of being entered into the commerce of a foreign country.

d. Self-Propelled Vehicle. “Self-propelled” vehicle includes any automobile, truck, tractor, bus, motorcycle, motor scooter, motor home, self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-propelled vehicle used or designed for running on land but not rail.

e. Ultimate Purchaser. “Ultimate Purchaser” means the first person, other than a dealer purchasing in his/her capacity as a dealer, who in good faith purchases a self-propelled vehicle for purposes other than resale.

f. Used. “Used” refers to any self-propelled vehicle where the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

g. Documentary Status. It is the responsibility of the reviewing inspector to ensure that an original certificate of title is presented as provided for in 19 CFR 192.2 (b), Documentation Required. The certificate of title is the core requirement in the Customs export process, regardless of the vehicle’s economic value, physical condition, or operating order.

h. Structure of the Regulations. Procedurally, all exporters or their agents who present a document to Customs are to begin at 19 CFR 192.2 (b) (1) (i), Vehicles Issued an Original Certificate of Title and then progress through each subsection until the exporter arrives at the section and subsection(s) that apply to the vehicle that has been presented to Customs for export. This procedure ensures that no requirement is misinterpreted, misapplied, or circumvented by either the exporter or the reviewing Customs officer.

## 2. Section 192.2.

a. Basic requirements. A person attempting to export a used self-propelled vehicle will present to Customs, at the port of exportation, both the vehicle and the required documentation describing the vehicle to include the Vehicle Identification Number (VIN) or, if the vehicle does not have a VIN, the product identification number (PIN). Exportation of a vehicle will be permitted only upon compliance with these requirements, unless the vehicle was entered into the US under an in-bond procedure, a carnet, a Temporary Importation Bond, or under a personal exemption for non-residents who entered the vehicle for a 1-year period.

b. Documentation required.

(1) For US Titled Vehicles:

(a) Vehicles issued an original certificate of title. For used, self-propelled vehicles, issued by any jurisdiction in the US, with a Certificate of Title or a Salvage Title that remains in force, the owner must provide to Customs the original Certificate of Title or a

Certified Copy of the Certificate of Title and two complete copies of the original Certificate of Title or the Certified Copy of the original.

(b) Where title evidences third-party ownership/claims. If the used, self-propelled vehicle is leased or in the case of a vehicle where a recorded lien exists in the US, in addition to complying with paragraph I.2.b(1)(a) of this section, the provisional owner must provide to Customs a separate writing from the third-party-in interest which expressly provides that the subject vehicle may be exported. This writing must be on the third-party's letterhead paper and contain a complete description of the vehicle including the VIN, the name of the lessor of the leased vehicle or lien-holder, and the telephone numbers at which that lessor or lien-holder may be contacted and must bear an original signature of the third-party and state the date it was signed.

(c) Where US Government Employees are involved. If the used self-propelled vehicle is owned by a US Government employee and is being exported in conjunction with that employee's reassignment abroad pursuant to official travel orders, then, in lieu of complying with paragraph I.2.b. of this section, the employee may be required to establish that he/she has complied with the sponsoring agency's internal travel department procedures for vehicle export.

(2) For Foreign-Titled Vehicles. For used, self-propelled vehicles that are registered or titled abroad, the owner must provide to Customs the original document that provides satisfactory proof of ownership (with an English translation of the text if the original language is not in English), and two complete copies of that document (and translation, if necessary).

(3) For Untitled Vehicles.

(a) Newly manufactured vehicles, issued a Manufacturer's Statement of Origin (MSO). For newly manufactured, self-propelled vehicles that are purchased from a US manufacturer, distributor, or dealer that become used and are issued an MSO, but not issued a certificate of title by any jurisdiction of the US, the owner must provide to Customs at the time and place specified in this section, an original MSO and two complete copies of the original MSO.

(b) Newly manufactured vehicles not issued an MSO. For newly-manufactured, self-propelled vehicles purchased from a US manufacturer, distributor, or dealer that become used and not issued an MSO or a Certificate of Title by any jurisdiction of the US, the owner must establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles and provide to Customs, at the time and place specified in this section, an original document that proves ownership, such as a dealer's invoice, and two complete copies of such original documentation.

(c) Vehicles issued a junk or scrap certificate. For vehicles for which a junk or scrap certificate, issued by any jurisdiction of the US, remains in force, the owner must provide to Customs the original certificate or a certified copy of the original document and two complete copies of the original document or certified copy of the original.

(d) Vehicles issued a title or certificate that is not in force or are otherwise not registered. For vehicles that were issued, by any jurisdiction of the US, a title or certificate that

is no longer in force, or that are not required to be titled or registered, and for which an MSO was not issued, the owner must establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles and provide to Customs the original document that shows the basis for ownership or right of possession, such as a bill of sale, and two complete copies of that original document. Further, the owner must certify in writing to Customs that the procurement of the vehicle was a bona fide transaction, and that the vehicle presented for export is not stolen.

c. When presented:

(1) Exportation by vessel or aircraft. For those vehicles exported by vessel or aircraft, the required documentation and the vehicle must be presented to Customs at least 72 hours prior to export.

(2) Exportation at land border crossing points. For those vehicles exported by rail, highway, or under their own power.

(a) The required documentation must be submitted to Customs at least 72 hours prior to export; and

(b) The vehicle must be presented to Customs at the time of exportation.

d. Where presented. Careful attention should be paid to 19 CFR 192.2 (d), Where Presented. Port Directors will establish locations at which exporters must present the required documentation and the vehicles for inspection. Port Directors will publicize these locations, including their hours of operation.

e. Authentication of documentation. Customs will determine the authenticity of the documents submitted. Once determined, Customs will mark the original documents. In most cases the original document(s) will be returned to the exporter. In those cases where the original title document was presented to and retained by Customs and cannot be found prior to the vehicle's export, the exporter's authenticated copy of the original documentation serves as evidence of compliance with the reporting requirements.

## CHAPTER 509

### **GENERAL GUIDANCE FOR FOREIGN CUSTOMS AND BORDER CLEARANCE**

#### **A. SCOPE**

The following chapters outline the Customs and Border Clearance requirements of nations outside the CTUS, where DOD either has established activities or conducts exercises. They identify governing regulations or directives, establish clearance requirements and procedures, and list organizational POCs responsible for the entry/exit of material and personnel for the various countries listed for each Theater CINC. Theater CINCs will determine which nations require an annex in this publication and the order in which they are developed and published.

#### **B. POLICY**

1. See Chapter 501 for overall policy under the DOD CBCP. Policy specific to foreign customs and border clearance follows.
2. It is the policy of the DOD to comply with foreign customs and border clearance laws and regulations without unnecessarily limiting the effectiveness and efficiency of the DTS or placing unnecessary and costly restrictions on individual DOD members/employees.
3. Agricultural entrance requirements. US agricultural entrance requirements are outlined in Chapter 505. It is DOD policy that equal vigilance will be exercised in preventing the export of agricultural pests to foreign HNs. Generally, the same responsibilities of DOD activities for the prevention of agricultural pest movements apply to export shipments from the US to foreign countries as well as on imports to the US (clean, free of soil and pest infestations). Specific country requirements/ restrictions are listed under the applicable country.
4. Passenger entrance requirements. It is DOD policy that passengers travelling to foreign countries comply with entrance requirements as outlined in the DOD Foreign Clearance Guide (<http://www.fcg.pentagon.mil>).
5. Personal property entrance requirements. It is DOD policy that members/employees shipping personal property to foreign countries comply with the requirements as outlined in the Personal Property Consignment Instruction Guide (PPCIG) (<http://www.mtmc.army.mil>) under Personal Property, Domestic, and Consignment Instructions Guide.
6. Customs Brokers. Generally, the DOD moves cargo into a foreign country duty-free based on agreements between the US Government and that foreign country. If possible, DOD representatives should complete all documentation associated with clearing foreign customs. Under some circumstances, such as lack of an agreement or no established procedures due to lack of day-to-day operations, it may be necessary to hire a customs broker to complete the necessary documentation (import and/or export) to clear customs in a particular foreign country. Use of customs brokers for foreign country customs clearance is not prohibited by this

regulation. The theater CINC Customs and Border Clearance Coordinator, in consultation with the foreign government, will determine if it is necessary to use a customs broker. Theater policy should address the following issues:

a. Planning. Generally, if customs broker services are required, it will be in support of an exercise. If outside customs broker services are considered, exercise planners should address those requirements early in the planning process to determine funding sources and contracting responsibilities.

b. Contracting. Responsibility for contracting the customs broker must be established. Theater CINC should consult diplomatic liaisons to determine if a contract currently exists for these services. If no contract exists, and it is determined that customs brokerage is required, the theater CINC may delegate this responsibility to a component organization in its AOR.

c. Funding. If the customs broker is required to support an exercise, funding for those services should be identified separately, but budgeted in conjunction with other exercise funding requirements.

d. If customs broker procedures are established for customs clearance in a particular country, that information should be included in the applicable country paragraph in DOD Foreign Clearance Guide and this regulation.

### **C. RESPONSIBILITIES**

1. For overall DOD CBCP responsibilities, see Chapter 501. Additional responsibilities, specific to foreign customs clearance, follow.

2. Theater CINCs are responsible for:

a. Developing overall policy and procedures for Customs and border clearance in their AOR. This includes publishing directives, as necessary, to implement those policies and procedures.

b. In conjunction with the Joint Staff and Department of State, establishing customs and border clearance agreements with countries in their AOR. This does not require changes to the SOFA itself but may require changes in subordinate agreements or processes negotiated with a particular HN government.

c. Consulting with foreign governments to improve processes associated with customs and border clearance.

d. Planning and coordinating customs and border clearance procedures associated with exercises and contingencies within their AOR.

e. Identifying customs and border clearance requirements for countries in their AOR for inclusion in specific country annexes to this regulation.

3. USTRANSCOM is responsible for:

- a. Developing, coordinating, and publishing overarching guidance (that applies to all DOD components) for foreign customs and border clearance policy.
- b. Facilitating actions between various DOD components, other US Government agencies, and foreign government agencies (in coordination with theater CINCs), to improve foreign customs and border clearance processes.
- c. Ensuring foreign customs and border clearance policy is compatible with the other functional areas covered by this regulation.
- d. Providing methods to centralize the publication of, and access to consolidated information pertaining to customs and border clearance requirements and procedures for movement of DOD sponsored property and passengers worldwide. These methods include publication of this regulation and maintenance of the official DOD Customs and Border Clearance web pages.

**D. COUNTRY ANNEX CONTENTS**

1. Theater CINC Country Annexes of this regulation will, at a minimum, contain the following elements:

- a. A general description of the Customs Clearance and Inspection Process for import shipments to the specified country.
- b. A listing of pertinent theater implementing regulations and directives with web site addresses where they may be accessed.
- c. Description of Customs/Border Clearance processes and procedures for inbound passenger, cargo, unit deployment, and personal property movements via the DTS.
- d. Discussion of processes and procedures for inbound shipments by commercial vendors for both DOD-owned cargo and DVD cargo via commercial transportation.
  - (1) When consigned to a DOD Activity.
  - (2) When consigned to a commercial activity.
  - (3) Related process maps if available.
- e. Import restrictions and prohibited items.
- f. Firearms/Weapons.
- g. Pets.
- h. Any export requirements or restrictions.

i. Name, Installation, Address, Phone Number and E-mail Address for Theater Customs points of contact.

**E. FORMAT**

Format should be consistent with this Regulation and DOD standards.